

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

4 MARVIN ALBERTO VIVAS-MORALES, )  
5 Plaintiff, )  
6 vs. ) Civil Action  
7 UNITED STATES OF AMERICA, ) No. 03-312 (Erie)  
8 Defendant. )

STATEMENT OF COUNSEL

Friday, April 8, 2005

13 The Statement of Counsel, taken before me, the  
14 undersigned, Melissa L. Fenster, a Notary Public in and for  
the Commonwealth of Pennsylvania, at the offices of the  
15 United States Attorney's Office, 700 Grant Street, Suite 400,  
Pittsburgh, Pennsylvania, 15219, commencing at  
16 9:33 o'clock a.m., the day and date above set forth.

COMPUTER-AIDED TRANSCRIPTION BY  
MORSE, GANTVERG & HODGE, INC.  
PITTSBURGH, PENNSYLVANIA  
412-281-0189

ORIGINAL



1 APPEARANCES:

2 On behalf of the Plaintiff:

3 (No appearance.)

4 On behalf of the Defendant:

5 Rebecca Haywood, Esquire  
6 Assistant United States Attorneys  
United States Attorney's Office  
700 Grant Street, Suite 400  
7 Pittsburgh, Pennsylvania 15219

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1 P-R-O-C-E-E-D-I-N-G-S

2 MS. HAYWOOD: On March 23 2005, Magistrate Judge Susan  
3 Paradise Baxter entered an order granting the government's  
4 motion to compel enforcement of the Notice of Deposition of  
5 Plaintiff, Marvin Alberto Vivas-Morales. The order required  
6 Plaintiff to appear for his deposition today, Friday, April 8,  
7 2005 at 9:30. Plaintiff has failed to appear once again for his  
8 deposition as ordered by the Court.

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10 (Thereupon, at 9:35 o'clock p.m., the Statement of  
11 Counsel was concluded.)

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## 1 CERTIFICATE

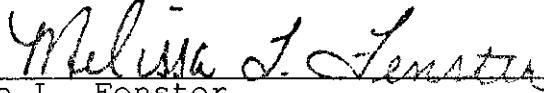
2 COMMONWEALTH OF PENNSYLVANIA, )  
3 COUNTY OF ALLEGHENY. ) Civil Action No. 03-312 (Erie)

4 I, Melissa L. Fenster, do hereby certify that  
5 the foregoing Statement of Counsel was by me reduced to  
stenotypy, and afterwards transcribed by means of computer-aided  
transcription.

6 I do further certify that this Statement of Counsel was  
7 taken at the time and place in the foregoing caption specified,  
and was completed without adjournment.

8 I do further certify that I am not a relative, counsel or  
9 attorney of either party, or otherwise interested in the event  
of this action.

10 IN WITNESS WHEREOF, I have hereunto set my hand and  
11 affixed my seal of office at Pittsburgh, Pennsylvania, on this  
12 20<sup>th</sup> day of April, 2005.

13   
14 Melissa L. Fenster

15 Notary Public

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## LAWYER'S NOTES

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